

House Bill 1317

By: Representatives Holmes of the 61<sup>st</sup>, Thomas of the 55<sup>th</sup>, and Gordon of the 162<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, so as to provide a definition; to provide that it shall be unlawful for any person who owns, controls, or is the responsible agent of a vacant structure to maintain, cause, or permit the maintenance of the vacant structure in a neglected condition and that such neglected vacant structure shall constitute a public nuisance; to provide certain requirements for the maintenance of vacant structures; to provide for the abatement of such neglected vacant structures; to provide for the recoupment of the costs of abatement; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is amended in Chapter 1, which is reserved, as follows:

"CHAPTER 1

8-1-1.

(a) As used in this Code section, the term 'vacant structure' means a residential building which has remained unoccupied for a period of more than 30 days and shall include manufactured housing or mobile homes. A structure shall not deemed to be vacant for purposes of this Code section if any of the following circumstances exist:

(1) Any unit or portion of the structure is occupied;

(2) Any other structure on the same lot is occupied; or

(3) Construction or alteration is in progress pursuant to a valid, unexpired building permit.

(b) It shall be unlawful for any person who owns, controls, or is the responsible agent of a vacant structure to maintain, cause, or permit the maintenance of the vacant structure in a neglected condition. A neglected vacant structure shall constitute a public nuisance.

1 (c)(1) All vacant structures shall be maintained in a structurally sound condition. All  
2 electrical, natural gas, sanitary, and plumbing facilities shall be maintained in a condition  
3 which does not create a hazard to public health or safety.

4 (2) All vacant structures shall be maintained in a manner which does not create an  
5 unreasonable risk of fire, including the removal of weeds and the proper maintenance of  
6 grass areas which may constitute a fire hazard. No vacant structure or portion thereof  
7 shall be used for the storage of flammable liquids or other materials which would  
8 constitute a safety or fire hazard. Heating facilities or heating equipment in vacant  
9 structures shall either be removed or maintained in accordance with applicable local  
10 codes or ordinances. If heating equipment is removed, any fuel supply shall be removed  
11 or terminated in accordance with applicable local codes and ordinances.

12 (3) All vacant structures shall be maintained in a way which secures such structures from  
13 any unauthorized entry.

14 (4) All vacant structures including all adjoining yard areas shall be maintained free of  
15 debris, combustible materials, litter, and garbage.

16 (5) All vacant structures shall be maintained in a manner which minimizes the  
17 appearance of vacancy, including the prompt removal of graffiti.

18 (6) All exterior surfaces, including any boarded windows or doors, shall be applied with  
19 sufficient paint, siding, stucco, or other finishes, in the same color or similar color as the  
20 adjoining areas, to weatherproof the vacant structure and to create a sufficient appearance  
21 of repair to deter unauthorized occupation.

22 (7) The exterior of the vacant structure property, including all landscaping, shall be kept  
23 in such condition so as not to create the appearance of an unsecured, unoccupied structure  
24 or other hazard to public safety.

25 (d) When a local government determines that a vacant structure constitutes a public  
26 nuisance and presents an immediate or imminent peril to the health, safety, or general  
27 welfare of the public, the local government may abate the nuisance by removal, demolition,  
28 repair, or other acts with or without notice to the owner of the property. Such abatement  
29 shall be at the expense of the owner of the property on which it is occurring and shall  
30 constitute a lien against the property.

31 (e) Whenever a local government determines that any property within its jurisdiction is  
32 being maintained contrary to one or more of the provisions of subsection (c) of this Code  
33 section, the local government shall give written notice to the owner of such property of the  
34 violations. Such notice shall set forth a reasonable time limit, in no event less than ten  
35 calendar days, for correcting the violations and may also set forth suggested methods of  
36 correcting the same. Such notice shall be served upon the owner in person or by mail to  
37 the last known address of the owner. If such violations are not abated as directed within

1 the abatement period, the local government may cause the violations to be abated by local  
2 government employees or private contractors. The cost, including incidental expenses, of  
3 abating the violations shall be billed to the owner and shall become due and payable 30  
4 days thereafter. Such expenses shall include, but not be limited to, the actual costs of  
5 abating the violations; personnel costs, both direct and indirect, including attorney's fees;  
6 costs incurred in documenting the violations; the actual expenses and costs of the local  
7 government in inspecting the work and in the preparation of notices, specifications, and  
8 contracts; and the costs of printing and mailing required under this subsection. Such costs,  
9 if not paid, shall constitute a lien on such property."

## 10 **SECTION 2.**

11 All laws and parts of laws in conflict with this Act are repealed.